

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

RONALD STEVEN MITUNIEWICZ,

Plaintiff,

v.

HAROLD CLARK,

Defendants.

Case No. C06-5383RBL

ORDER ADOPTING THE REPORT
AND RECOMMENDATION

The Court, having reviewed the file, the Report and Recommendation of Magistrate Judge J. Kelley Arnold, objections to the Report and Recommendation, if any, and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation;
- (2) This action is **DISMISSED WITHOUT PREJUDICE** so that plaintiff may pursue membership as part of the class action in Paralez v. Washington Department of Corrections, 06-CV-5298JKA.
- (3) Clerk is directed to send copies of this Order to plaintiff, counsel for defendants, and to the Hon. J. Kelley Arnold.

DATED this 29th day of October, 2007.



RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE